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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/835,518	04/17/2001	Osamu Ichiyoshi	WN-2323	5687

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EXAMINER

TRINH, TAN H

ART UNIT PAPER NUMBER

2684

DATE MAILED: 12/19/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/835,518

Applicant(s)

ICHIYOSHI, OSAMU

Examiner

TAN TRINH

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 April 2001.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-12 and 16-19 is/are rejected.
- 7) ☒ Claim(s) 13-15 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 3 & 4. 6) ☐ Other: _____

DETAILED ACTION

Information Disclosure Statement

The information disclosure statement filed 03-10-2003 and 06-09-2003 has been received and placed of record in the file.

Allowable Subject Matter

1. Claims 13-15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Reasons for allowance

2. The following is an examiner's statement of reasons for allowance:

Regarding claim 13, Baker (U.S. Pub. No. 20010023429) teaches wherein the allowable waiting time interval includes instant and other time intervals other than the instant, when the allowable waiting time interval designated by the data request signal is not instant (see page 3, session [0040]), the distributing step comprising the sub-steps of: returning in the date distribution center (see fig. 1 and session [0047]), a reservation signal to subscriber's terminals for the users via the communication satellite (see page 3, session [0042], the reservation signal including a request source's ID (see page 3, session [0044]), a group address and a distribution scheduled time instant (see page 1, sessions [0016-0017] and [0040], setting up in the subscriber's terminals receiving the reservation signal, the group address and the distribution (see fig. 1, page 2, sessions [0027-0032]).

However, Baker, Yamane Kazuyoshi and prior art fails to teach or suggest the, the group address and the distribution scheduled time instant assigned to its own satellite reception

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equipment to put into a reception waiting state; returning, in the users, a reservation confirmation signal to the data distribution center; distributing, in the data distribution center receiving the reservation confirmation signal, a decipher key distribution signal to the users, the decipher key distribution signal including the request source's ID, the group address, and a data decipher key; and broadcasting, in the data distribution center, data with the group address via the communication satellite at the distribution scheduled time instant, as cited in claim 13. (Claims 14-15 are dependent claim).

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 11-12 and 16-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Barker (U.S. Pub. No. 20010023429).

Regarding claim 11, Baker teaches the method of distributing data in accordance with requests from a plurality of users (see fig. 1), the method comprising the steps of storing information in an electronic form to publish a list of its contents on a home page of a data distribution center (see figs. 1-2, the content provider 11 and Internet 12); connecting each of the users with the home page of the data distribution center to retrieve available information transmitting in the users (see fig. 1, content provider 11 and Internet 12), a data request signal to the data distribution center if there is information desired on the basis of a result of retrieval (see page 2, session [0019], the data request signal designating an allowable waiting time interval until data is distributed and distributing in the data distribution center (see page 3, session [0043]), the data requested by the data request signal to the plurality of users via a communication satellite within the allowable waiting time interval designated by the data request signal (see fig. 1, page 3, sessions [0042-0043]).

Regarding claim 12, Baker teaches wherein the allowable waiting time interval includes instant, when the allowable waiting time interval designated by said data request signal is instant (see page 2, real time on session [0019] line 8), the distributing step comprising a step of distributing, in the data distribution center, data requested by the data request signal via the communication satellite as soon as possible (see page 2, sessions [0026-0027]).

Regarding claims 16 and 19, Baker teaches the data distribution system (see fig. 1) comprising: a communication satellite (see fig. 1, satellite 14); a plurality of satellite communication terminals (see fig. 1, satellite communication terminals 13 and 15) for enabling

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to receive a signal from the communication satellite (see fig. 1); a satellite earth station for carrying out a principal communication via the communication satellite (see fig. 1) ; a data distribution center connected to said satellite earth station by a communication channel (see fig. 1, data distribution center (content provider 11) to satellite earth station NOC 13); and a data communication network for connecting the data distribution center and a database for information collection (see fig. 1 content provider 11 with Internet 12); the data distribution center comprising an electronic library for storing collected information in an electronic form (see fig. 1 content provider 11 with Internet 12), the electronic library presenting stored contents to users of the satellite communication terminals to submit retrieval of the users (see fig. 1 content provider 11 and internet 12, page 4, sessions [0019-0020], [0051] and [0022]), the electronic library supplying information requested in accordance with a data request signal from the users (see page 2, sessions [0019-0020]), each satellite communication terminal including means for transmitting a data request signal with a time limit to the data distribution center (see page 3, session [0043]) , the data distribution center comprising means for distributing (see fig. 1 content provider 11), in response to the data request signal from each satellite communication terminal (see fig. 1, page 3, sessions [0042-0043]), desired data to the satellite communication terminals via the satellite earth station and the communication satellite within the time designated (see fig. 1, page 3, sessions [0042-0043]).

Regarding claim 17, Baker teaches wherein further comprises a ground communication network for connecting the data distribution center with each satellite communication terminal (see fig. 1, content provider 11 connect to NOC 13 and server 15).

Regarding claim 18, Baker teaches wherein the data communication network is the Internet (see fig. 1, Internet 12).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Barker (U.S. Pub. No. 20010023429) in view of Yamane Kazuyoshi (JP Pub. No. 08-213961).

Regarding claim 1, Barker teaches the data distribution satellite communication system (see fig. 1) comprising a communication satellite and a plurality of satellite communication terminals enable to receive a signal from the communication satellite (see fig. 1), the data distribution satellite communication system providing from the communication satellite to the plurality of satellite communication terminals with distribution business for a data signal in a broadcasting fashion (see figs. 1-4, page 1, sessions [0016]-[0017]), the data distribution satellite communication system comprising: a satellite earth station (see fig. 1, satellite earth station (NOC 13) for carrying out a principal communication via the communication satellite (see figs. 1); the data distribution center (see fig. 1, data distribution center (Content provider 11)) connected to the satellite earth station (see fig. 1, connection 12a), for distributing the data signal to the communication satellite; and return communicating means for enabling the data

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distributing center to receive a data request signal from the satellite communication terminals (see figs. 1-4, page 1, sessions [0016]-[0017]), and the data request signal indicative of an emergency level of data distribution (see page 2, session [0026], line 6), whereby it is possible to flexibly distribute a lot of information in accordance with requests from a number of users at a low cost by the use of instantaneousness, a wide-area characteristic, and a broadcasting characteristic of satellite communications (see page 3, sessions [0040-0043]). But, Barker fails to show the data request signal including a code indicative of an emergency level of data distribution.

However, Yamane Kazuyoshi teaches the data request signal including a code (see Yamane, abstract constitution, line2 the data with key code) indicative of an emergency level of data distribution (see Yamane, abstract constitution, lines 4-10),

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Baker system by the teaching of Yamane on the information service system data with key code on the quick service (immediately report) or none-immediately report required thereto in order to provide user with flexible choices.

Regarding claim 2, Baker teaches wherein the date request signal has, as the emergency level of the data distribution, a class indicative of instant, within ten minutes, within thirty minutes, within one hour, within six hours, within one day, within one week, a periodic distribution, and so on (see page 3, sessions [0042-0043]).

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Regarding claim 3, Baker teaches the return communicating means, ground communicating means using a ground communication network for each of the satellite communication terminals having no transmitting function to the communication satellite (see fig. 1, content provider 11 no transmitting function to the communication satellite item 12a and modem 18).

Regarding claim 4, Baker teaches wherein the satellite earth station comprises, for providing the return communicating means to each of the satellite communication terminals having a transmitting function to the communication satellite (see fig. 1, NOC 13 and server 15), satellite communicating means for receiving, as a received signal (see fig. 1, NOC 13 and server 15), the data request signal from the satellite communication terminal communicated via the communication satellite and means for transferring the received signal to the data distribution center (see fig. 1).

Regarding claim 5, Yamane teaches when the emergency level of the data distribution indicates the instant, the data distribution center comprising instant data distributing means for transmitting, via the satellite earth station and the communication satellite, a data signal requested by the data request signal by preparing to a signal format including an address of a request source as soon as possible (see Yamane Constitution, lines 1-12).

Regarding claim 6, when the emergency level of the data distribution of the satellite communication terminal serving as a request source indicates no instant or the periodic

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distribution, the data distribution center comprising means for preparing a reservation signal including a distribution time instant as well as a reservation number to transmit the reservation signal to the request source via the satellite earth station and the communication satellite, and the satellite communication terminal of the request source comprising means for receiving distribution data including said reservation number as an address at the distribution time instant (see page 3, sessions [0040-0043]).

Regarding claim 7, wherein the data distribution center comprises an electronic library means for storing a broad range of information for meeting a demand in users of the satellite communication terminals in an electronic form, the electronic library means establishing a home page indicative of the broad range of information on the Internet to submit retrieval of the users, the electronic library means distributing information requested in accordance with a data request of the users (see fig. 1 content provider 11 and internet 12, page 4, session [0051] and [0022]).

Regarding claim 8, Baker teaches the satellite communication educational institution (see fig. 1, the content provider 11 with the internet 12) comprising: a communication satellite (see fig. 1 satellite 14); a plurality of satellite communication terminals (see fig. 1, satellite communication terminal 13 and 15) each enabling to receive a signal from the communication satellite (see fig. 1); a satellite earth station for carrying out a principal communication via the communication satellite (see fig. 1); and a data distribution center connected to the satellite earth station by a communication channel (see fig. 1, data distribution center (content provider 11) to satellite earth station NOC 13) the data distribution center comprising an electronic library for

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storing collected information in an electronic form (see fig. 1 content provider 11 with Internet 12), the electronic library presenting stored contents to users of the satellite communication terminals to submit retrieval of the users (see fig. 1 content provider 11 and internet 12, page 4, sessions [0019-0020], [0051] and [0022]), the electronic library supplying information requested in accordance with a data request signal from the users (see page 2, sessions [0019-0020]), the data request signal of an emergency level of data distribution (see page 2, sessions [0019-0020, 0026 and 0040]). But, Barker fails to show the data request signal including a code indicative of an emergency level of data distribution.

However, Yamane Kazuyoshi teaches the data request signal including a code (see Yamane, abstract constitution, line2 the data with key code) indicative of an emergency level of data distribution (see Yamane, abstract constitution, lines 4-10),

Therefore, it would have been obvious to one of ordinary skill in the art at the time invention was made to modify Baker system by the teaching of Yamane on the information service system data with key code on the quick service (immediately report) or none-immediately report required thereto in order to provide user with flexible choices.

Regarding claim 9, Baker teaches wherein further comprises a ground communication network for connecting the data distribution center and the plurality of satellite communication terminals (see fig. 1, content provider 11 connect to NOC 13 and server 15).

Regarding claim 10, Baker teaches wherein further comprises a data communication network for connecting the data distribution center and a database for information collection (see fig. 1, Internet 12).

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Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Humphrey (U.S. Patent No. 5,987,233) discloses comprehensive global information network broadcasting system and implementation thereof.

Pond (U.S. Patent No. 5,329,590) discloses automatic pay-per-view reception in a satellite receiver.

Kostreski (U.S. Patent No. 6,130,898) discloses simulcasting digital video programs for broadcast and interactive services.

8. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

*Hand-delivered responses should be brought to Crystal Park II,
2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).*

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tan Trinh whose telephone number is (703) 305-5622. The examiner can normally be reached on Monday-Friday from 9:30 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nay Maung, can be reached at (703) 308-7745.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Technology Center 2600 Customer Service Office** whose telephone number is **(703) 306-0377**.

Tan H. Trinh
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Dec. 5, 2003

A handwritten signature in black ink, appearing to read "Tan H. Trinh", written over the typed name.